

REMARKS/ARGUMENTS

The above identified patent application has been amended. Claims 1-62 are now pending in the application, of which claims 9-32 and 41-62 have been previously withdrawn. Claims 1 and 33 have been amended. No claims have been added.

Entering of the amendment, reconsideration, and reexamination are hereby requested.

Specification and Claim Objections

The Examiner has objected to the Specification as allegedly lacking antecedent basis language in the Specification, for both claims 1 and 33. Further, the Examiner has objected to claims 1 and 33 as allegedly lacking antecedent basis language in the Specification. The Applicant respectfully disagrees.

Contrary to the Office Action assertion, “the processed data sets are encoded in relation to a first threshold with an associated first probability,” as previously presented in claims 1 and 33, is fully supported by the Specification. For example, Paragraph [1016] discloses that “each packet is encoded by a code C_1 .” Further, Paragraph [1016] discloses that the “code C_1 contains an amount of redundancy designed to satisfy message delivery with a probability $P_{C1Average}$ under certain, i.e., average, conditions of a communication channel.” One of ordinary skill in the art would understand that encoding “in relation to a first threshold” is fully supported at least by “code C_1 contains an amount of redundancy designed to satisfy message delivery,” and “an associated first probability” is fully supported at least by “a probability $P_{C1Average}$.” In another example, Paragraph [1024] discloses that the “code C_1 is selected so that the maximum number of packets organized into an N packet message that cannot be decoded correctly by a destination station is less than or equal to S with probability P_{C1} .” One of ordinary skill in the art would understand that encoding “in relation to a first threshold” is fully supported at least by “code C_1 is selected so that the maximum number of packets organized into an N packet message that cannot be decoded correctly by a destination station is less than or equal to S,” and “an associated first probability” is fully supported at least by “probability P_{C1} .”

Nevertheless, in order to expedite the prosecution of this application, and without restricting its’ scope, the Applicants have amended claims 1 and 33 to recite “... wherein the

processed data sets are encoded to provide a first probability of delivery, and wherein the parity blocks are encoded to provide a second probability of delivery.” The amended claim language finds support through the Specification (e.g., Paragraphs [1024], and [1027], and equation (7)).

In view of the above amendments, the Applicant respectfully requests that the above objections be withdrawn.

Claim Rejections - 35 U.S.C. § 112

The Examiner has rejected claims 1-8 and 33-40 under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement.

As noted above, The Applicant has amended claims 1 and 33 to recite “... wherein the processed data sets are encoded to provide a first probability of delivery, and wherein the parity blocks are encoded to provide a second probability of delivery.”

The Applicant submits that claims 1 and 33 now comply with the enablement requirement.

The Examiner has rejected claims 1-8 and 33-40 under 35 U.S.C. § 112, second paragraph, as allegedly being incomplete for omitting essential steps. The Examiner states that such omission amounts to a gap between the steps. The omitted steps are: any connection between a threshold and encoding in an existing encoding device, and that the claims omit any structural element in an existing encoder for providing a threshold or any connection between a structural element in an existing encoder for providing a threshold and the existing encoding device.

The Applicant has amended claims 1 and 33 and submits that claims 1 and 33 particularly point out and distinctly claim the subject matter which the Applicant regards as the invention.

In view of the above amendments, the Applicant respectfully requests that the above rejections be withdrawn.

Claims Rejections - 35 U.S.C. §§ 102 and 103

The Examiner has rejected claims 1, 2, 4, and 5 under 35 U.S.C. § 102(b) as allegedly being anticipated by Kuroda et al. (US 5,432,800). The Examiner has rejected claims 3 and 6-8 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Kuroda et al. in view of Sayeed et al. (US 5,828,677). The Examiner has rejected claims 33, 34, 36, and 37 under 35 U.S.C. §

103(a) as allegedly being unpatentable over Kuroda et al. in view of Cox et al. (US 5,946,328). The Examiner has rejected claims 35 and 38-40 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Kuroda et al. in view of Cox et al., in further view of Sayeed et al.

Amended independent claim 1 recites "... wherein the processed data sets are encoded to provide a first probability of delivery, and wherein the parity blocks are encoded to provide a second probability of delivery." Amended independent claim 33 recites similar recitations. The Applicant submits above recitations as claimed in claims 1 and 33 are neither taught nor suggested nor are an obvious result from a combination of the teachings in the references Kuroda et al., Laroia et al., Sayeed et al., and Cox et al., alone or in combination.

Kuroda et al., while providing for a frame structure composed of data blocks and parity blocks (Figs. 2 and 4, and col. 4, lines 64-66), does not disclose the above recitation. Rather, Kuroda et al. merely discloses that the use of both vertical and horizontal decoding results in better bit error rates and block error rates in comparison to use of horizontal decoding alone (Figs. 10 and 11). By contrast, the claimed subject matter recites processing each of a plurality of data sets to generate a processed data set and a parity block, and further that the processed data sets and the parity blocks are encoded to provide for a first and second probability of delivery, respectively.

Therefore, Kuroda et al. does not teach or suggest that "the processed data sets are encoded to provide a first probability of delivery," and "the parity blocks are encoded to provide a second probability of delivery." Further, Sayeed et al., and Cox et al. also do not teach the above recitations.

Accordingly, because the cited references do not teach or suggest all of the claim limitations, the Applicant submits that the *prima facie* case of obviousness is not established, and therefore claims 1 and 33 are unobvious and patentable over the cited references. Claims 2-9, and 34-40 are each dependent on their respective base claim and therefore include all of the limitations of their respective base claim and additional limitations therein. As such, each of these claims is also allowable based upon their respective base claim and the additional limitations therein.

Therefore, based on the foregoing, Applicants respectfully request that the Examiner withdraw the rejections of claims 1-9 and 33-40.

CONCLUSION

In light of the amendments contained herein, Applicants submit that the application is in condition for allowance, for which early action is requested.

Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Respectfully submitted,

Dated: 02-09-11 _____

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